

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

STEPHEN T. HARPER, ADMINISTRATOR OF
THE ESTATE OF CARL LEWIS SMITH, Deceased,

Plaintiff,

v.

Civil Action No. 5:13cv00041-MFU

NELSON SMITH, III, et al.

Defendants.

APR 08 2014

JULIA C. DUDLEY, CLERK
BY:
DEPUTY CLERK

ORDER APPROVING COMPROMISE SETTLEMENT

THIS MATTER came before the Court this day on the Petition by the Plaintiff for approval pursuant to Section 8.01-55 of the Code of Virginia, as amended, of a settlement in the amount of \$100,000.00 from Defendants, and for consideration of the distribution of settlement monies. Carl Lewis Smith, (the "Deceased") died on July 19, 2012.

Pursuant to §8.01-55 of the Code of Virginia, Stephen T. Harper, Administrator of the Estate of Carl Lewis Smith, and each of the beneficiaries of the Estate of Carl Lewis Smith, Phyllis Gage, Elmer Eugene Smith by and through his power of attorney Maretta Lee Smith Briggs, Karen Smith Montanelli, Michael John Smith, Steven Lee Smith, William James Andrews, Lisa Smith Miracle, and Maretta Lee Smith Briggs (Phyllis Gage and each of the other beneficiaries shall be referred to collectively as "Beneficiaries"), waive their right to convene for a formal hearing on this Petition.

Pursuant to §8.01-53(C) of the Code of Virginia, Elmer Eugene Smith by and through his power of attorney, Maretta Lee Smith Briggs, Karen Smith Montanelli, Michael John Smith, Steven Lee Smith, William James Andrews, Lisa Smith Miracle, and Maretta Lee Smith Briggs renounce their beneficial interests in favor of Phyllis Gage, the Deceased's mother.

THE COURT having considered all matters pertaining to this compromise, and being of the opinion that this compromise is in the bests interests of the beneficiaries of the Deceased and that the requested relief should be granted, it is accordingly ORDERED that this compromise in the amount of \$100,000.00 from Defendants be and hereby is approved and that the \$100,000.00 settlement proceeds be disbursed by counsel for Plaintiff as follows:

Settlement Proceeds:	\$100,000.00
Karen Smith Montanelli for Funeral Expenses	-\$8,000.00
Litigation Expenses:	
Phelan Krudys Petty, PLC	-\$7,114.43
Attorneys Fees (33.33%):	
Phelan Krudys Petty, PLC	-\$22,222.22
Chanfrau & Chanfrau	<u>-\$11,111.11</u>
Balance to Phyllis Gage:	\$51,552.24

It is further ORDERED that the Defendants, its insurers, and their agents, predecessors, successors, assigns, officers, employees, representative and heirs, who might have liability to the Petition arising from the death of the Deceased or any of the allegations set forth in the pending complaint, are hereby released and discharged from any and all liability which has been, might have been, or could have been asserted against them by or on behalf of the Plaintiff.

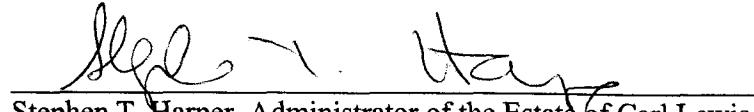
It is further ORDERED that this matter is dismissed with prejudice, and that the Clerk shall provide all counsel of record with an attested copy of this Order.

ENTER: 04 08 14

1st Michael F. Urbanek

Judge

WE ASK FOR THIS:


Stephen T. Harper, Administrator of the Estate of Carl Lewis Smith, for the purpose of Civil Litigation

Phyllis Bell Gage, Beneficiary of the Estate of Carl Lewis Smith

Elmer Eugene Smith, Beneficiary of the Estate of Carl Lewis Smith
by and through his daughter and POA, Maretta Lee Smith Briggs

Karen Smith Montanelli, Beneficiary of the Estate of Carl Lewis Smith

Michael John Smith, Beneficiary of the Estate of Carl Lewis Smith

Steven Lee Smith, Beneficiary of the Estate of Carl Lewis Smith

William James Andrews, Beneficiary of the Estate of Carl Lewis Smith

Lisa Halbert, Beneficiary of the Estate of Carl Lewis Smith
Smith Miracle

Maretta Lee Smith Briggs, Beneficiary of the Estate of Carl Lewis Smith

WE ASK FOR THIS:

Stephen T. Harper, Administrator of the Estate of Carl Lewis Smith, for the purpose of Civil
State of Florida / County of Volusia
Litigation

The foregoing instrument was acknowledged before me
this 21 day of February, 2014,
by Phyllis Gage, Personally known

OR produced identification

Type of Identification produced

Florida Drivers license

Phyllis Bell Gage, Beneficiary of the Estate of Carl Lewis Smith



Elinor Yacobov

Notary Public

State of Florida

My Commission Expires 08/22/2017

Commission No. FF 47853

Elinor Yacobov

(Notary signature)

My Commission expires

8/22/2017

Elmer Eugene Smith, Beneficiary of the Estate of Carl Lewis Smith
by and through his daughter and POA, Maretta Lee Smith Briggs

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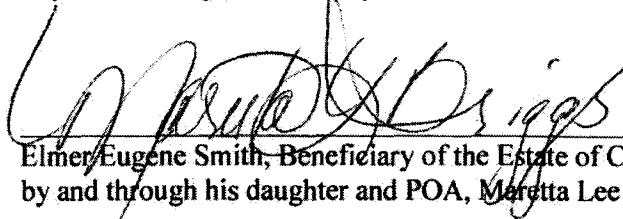
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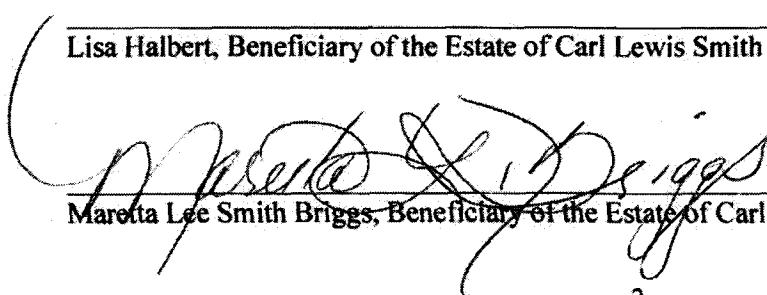
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Elmer Eugene Smith, Beneficiary of the Estate of Carl Lewis Smith

by and through his daughter and POA, Maretta Lee Smith

State of Florida / County of Volusia
The foregoing instrument was acknowledged before me

this 21 day of February, 2014,

by Karen S. Montanelli, Personally known

OR produced identification

Type of Identification produced Florida Drivers license

Eling Yarola (Notary Signature) 8/21/2017
My Commission expires

Karen Smith Montanelli, Beneficiary of the Estate of Carl Lewis Smith



Elmer Eugene Smith
Notary Public
State of Florida
My Commission Expires 08/22/2017
Commission No. FF 47653

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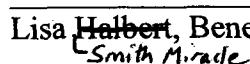
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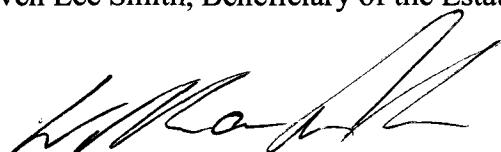
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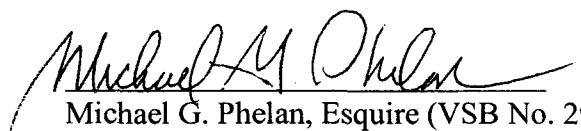
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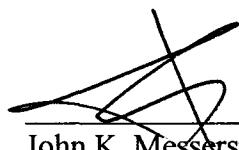
Lisa Smith Miracle
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Maretta Lee Smith Briggs, Beneficiary of the Estate of Carl Lewis Smith



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Fax: 804-767-4601

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Edward.Trivette@kpmlaw.com

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